



Child Welfare Information Gateway

PROTECTING CHILDREN ■ STRENGTHENING FAMILIES

STATE
STATUTES
SERIES

*Current Through
August 2005*

Review and Expunction of Central Registries and Reporting Records: Summary of State Laws

Records of child abuse and neglect reports are maintained by State child protection or social services agencies to aid in the investigation, treatment, and prevention of child abuse cases and to maintain statistical information for staffing and funding purposes. In many States, these records and the results of investigations are maintained in databases, often known as central registries.

Following an investigation, States classify child abuse records in a variety of ways, depending on the State statutory language. The term "unsubstantiated" is used to describe situations in which an investigation has been unable to determine the occurrence of abuse or neglect. Other terms for unsubstantiated can include "unfounded," "not

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indicated," or "unconfirmed." The term "substantiated" is given to a report if a determination has been made that abuse or neglect did likely occur. Other terms for substantiated include "founded," "indicated," or "confirmed." Several States maintain all investigated reports of abuse and neglect in their central registries, while other States maintain only substantiated reports.

Right of the Reported Person to Review and Challenge Records

Many States use the records that are maintained in central registries for background checks for persons seeking employment to work with children and for prospective foster and adoptive parents. Therefore, several due process and protection issues arise when a State maintains a central registry that identifies individuals accused of and found to have committed child abuse or neglect. In some cases, persons whose names are listed as alleged perpetrators in a central registry have asserted that the listing of their name in the registry deprives them of a constitutionally protected interest without due process of law.

Approximately 25 States, the District of Columbia, American Samoa, and Puerto Rico provide an individual the right to request an administrative hearing to contest the findings of an investigation of a report and to have an inaccurate report expunged or deleted from the registry.¹

When Records Must Be Expunged

The term "expunction," or "expungement," refers to the procedures used by States to maintain and update their central registries and recordkeeping by removing old or inaccurate records.

Under the Child Abuse Prevention and Treatment Act (CAPTA), in order to receive a Federal grant, States must submit plans that include provisions and procedures for the prompt expunction of records of unsubstantiated or false cases if the records are accessible to the general public or are used for purposes of employment or other background checks.² CAPTA does, however, allow State child protective services agencies to retain information on

¹ The word *approximately* is used to stress the fact that States frequently amend their laws. This information is current only through August 2005. The States that provide for administrative review include Arizona, Arkansas, Colorado, Connecticut, Georgia, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, and Wisconsin.

² 42 U.S.C.A. § 5101 et. seq. (2003).

unsubstantiated reports in their casework files to assist in future risk and safety assessment.³

Approximately 38 States, the District of Columbia, American Samoa, and Guam have provisions in statute for the expunction of certain child abuse and neglect reports.⁴ Statutes vary as to expunction standards and procedures. For example, the time specified for the expunction of unfounded or undetermined reports generally ranges from immediately upon determination to 10 years.⁵ A few States, however, do not permit unfounded reports to be placed on the registry at all.

Substantiated reports are usually retained longer, typically at least until the child victim has reached adulthood.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

³ 42 U.S.C.A. § 5106a(b)(2)(A)(xii) (2003).

⁴ The States and territories that do not have such provisions include Alaska, Idaho, Kansas, Kentucky, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Tennessee, Texas, Wisconsin, Northern Mariana Islands, Puerto Rico, and Virgin Islands.

⁵ For more information, see Chapter 4 of the April 2003 *National Study of Child Protective Services Systems and Reform Efforts: Review of State CPS Policy* by the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, and Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, available at <http://aspe.hhs.gov/hsp/CPS-status03/state-policy03/chapter4.htm>.

Alabama**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged**Ala. Code § 26-14-8**

- In the case of any child abuse or neglect investigation that is determined to be 'not indicated,' the alleged perpetrator may request after 5 years from the completion of the investigation that his or her name be expunged from the central registry.
 - As long as the department has received no further reports concerning the alleged perpetrator during the 5 years since the completion of the investigation, the department shall expunge the name at that time.
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Alaska**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged

Not addressed in the statutes reviewed

American Samoa**Right of the Reported Person to Review and Challenge Records****Ann. Code § 45.2028**

- At any time after the completion of the investigation, but no later than 10 years after the receipt of the report, a subject of the report may request the head of the registry to amend, seal, or expunge the record of the report.
- If the head of the registry refuses or does not act within a reasonable time, but in no event later than 30 days after the request, the subject shall have the right to a fair hearing to determine whether the record of the report in the central registry should be amended or expunged on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with the law.
- The burden in the hearing shall be on the department. In the hearings, the fact that there was a finding of child abuse, sexual abuse, or neglect is presumptive evidence that the report was substantiated.

When Records Must Be Expunged**Ann. Code §§ 45.2025; 45.2026**

- Unless an investigation determines there is some credible evidence of alleged abuse, sexual abuse, or neglect, all information identifying the subject of the report is immediately expunged from the central registry.
 - In all other cases, the record of the report to the central registry is sealed no later than 10 years after the subject child's 18th birthday.
 - Once sealed, the record shall not otherwise be available, unless the head of the central registry, upon notice to the subjects of the report, gives his or her personal approval for an appropriate reason.
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Arizona**Right of the Reported Person to Review and Challenge Records****Rev. Stat. § 8-811**

- The department shall notify a person who is alleged to have abused or neglected a child that the department intends to substantiate the allegation in the central registry and of that person's right:
 - » To receive a copy of the report containing the allegation
 - » To a hearing before the entry into the central registry
- The department shall send the notice no more than 14 days after completion of the investigation.
- A request for a hearing on the proposed finding must be received by the department within 14 days after receipt of the notice.
- If a request for a hearing is made, the department shall conduct a review before the hearing. The department shall provide an opportunity for the accused person to provide information to support the position that the department should not substantiate the allegation. If the department determines that there is no probable cause that the accused person engaged in the alleged conduct, the department shall amend the information or finding in the report and shall notify the person and a hearing shall not be held.
- The notification shall also state that if the department does not amend the information or finding in the report within 60 days after it receives the request for a hearing the person has a right to a hearing unless:
 - » The person is a party in a civil, criminal, or administrative proceeding in which the allegations of abuse or neglect are at issue.
 - » A court or administrative law judge has made findings as to the alleged abuse or neglect.
- If the department does not amend the report, the department shall notify the office of administrative hearings of the request for a hearing no later than 5 days after completion of the review. The department shall forward all records, reports, and other relevant information with the request for a hearing within 10 days.
- The office of administrative hearings shall hold a hearing pursuant to title 41, chapter 6, article 10, with the following exceptions:
 - » A child who is the victim of or a witness to abuse or neglect is not required to testify at the hearing.
 - » A child's hearsay statement is admissible if the time, content, and circumstances of that statement are sufficiently indicative of its reliability.
 - » The identity of the reporting source of the abuse or neglect shall not be disclosed without the permission of the reporting source.
 - » The reporting source is not required to testify.
 - » A written statement from the reporting source may be admitted if the time, content, and circumstances of that statement are sufficiently indicative of its reliability.
- On completion of the presentation of evidence, the administrative law judge shall determine if probable cause exists to sustain the department's finding that the accused engaged in the alleged conduct. If the administrative law judge determines that probable cause does not exist to sustain the department's finding, the administrative law judge shall order the department to amend the information or finding in the report.
- When the department is requested to verify whether the child protective services central registry contains a substantiated report about a specific person, the department shall determine if the report was taken after January 1, 1998. If the report was taken after January 1, 1998, the department shall notify the requestor of the substantiated finding.
- If the child protective services report was taken before January 1, 1998, the department shall notify the person of the person's right to request an administrative hearing. The department shall not send this notification if the person was a party in a civil, criminal, or administrative proceeding in which the allegations of abuse or neglect were at issue.

When Records Must Be Expunged**Rev. Stat. § 8-804**

- If the department received a report before September 1, 1999, and determined that the report was substantiated, the department shall maintain the report in the central registry until 18 years from the child victim's date of birth.
- If the department received a report on or after September 1, 1999, and determined that the report was substantiated, the department shall maintain the report in the central registry for 25 years after the date of the report.
- The department shall annually purge reports and investigative outcomes received pursuant to the timeframes prescribed above.

Arkansas**Right of the Reported Person to Review and Challenge Records****Ann. Code § 12-12-512**

- In every case in which a report is determined to be true, the department shall notify each subject of the report of the determination.
- If the offender is a juvenile age 10 years or older and is in foster care, the department shall notify the juvenile's public defender or counsel and the legal parents or guardians of the offender.
- If the offender is a juvenile age 10 years or older, the department shall notify the legal parents or guardians of the offender.
- Notification to offenders who were adults at the time of the finding of child maltreatment shall include the following:
 - » The investigative determination, true or unsubstantiated, exclusive of the source of the notification
 - » A statement that the person named as the offender of the true report may request an administrative hearing
 - » A statement that the request must be made to the department within 30 days of receipt of the notice
 - » The name of the person making notification, the person's occupation, and where he or she can be reached
- Notification to offenders who were juveniles at the time of the finding of child maltreatment shall include the additional statement that the matter has been referred for an automatic administrative hearing that can be waived only by the juvenile offender in writing.
- The administrative hearing process must be completed within 180 days from the date of the receipt of the request for a hearing, provided that:
 - » Delays in completing the hearing that are attributable to the petitioner shall not count against the 180 day limit.
 - » Failure to complete the hearing process in a timely fashion shall not deprive the department or a court reviewing the child maltreatment determination of jurisdiction to make or review a final agency determination.
 - » The 180-day limit shall not apply if there is an ongoing criminal or delinquency investigation, or criminal or delinquency charges have or will be filed.

- When the department conducts administrative appeal hearings, the chief counsel of the department is authorized to require the attendance of witnesses and the production of books, records, or other documents through the issuance of subpoenas.
- If the petitioner prevails at the administrative hearing or circuit court hearing and the report is changed from true to unsubstantiated, upon request by the petitioner, the department shall provide a list of persons to whom a disclosure had previously been made that the report was true.

When Records Must Be Expunged**Ann. Code § 12-12-505**

- The department shall identify in its policy and procedures manual the types of child maltreatment that will automatically result in the removal of the name of an offender from the central registry. If an offender has been entered into the central registry, the offender's name shall be removed from the central registry when the offender has not had a subsequent true report of this type for 1 year, and more than one 1 year has lapsed since the closure of any protective services or foster care case opened as the result of this report.
- Notwithstanding the foregoing provisions, with regard to offenders who were juveniles at the time of the act or omission that resulted in a true finding of child maltreatment, the department shall:
 - » Not remove the name from the central registry if the offender was found guilty, pled guilty to, or pled *nolo contendere* to a felony in circuit court as an adult for the same act for which the offender is named in the central registry unless the conviction is reversed or vacated
 - » Remove the name from the central registry if more than 5 years have elapsed since the true finding of child maltreatment and there have been no subsequent true findings of child maltreatment, or the offender can prove by a preponderance of the evidence that he or she has been rehabilitated
- If an offender has been entered into the central registry, the offender may petition the department requesting that the offender's name be removed from the central registry when he or she has not had a subsequent true report for 5 years and more than 5 years have elapsed since the closure of any protective services or foster care case opened as the result of the report.
- If the department denies the request for removal of the name from the central registry, the offender may request an administrative hearing within 30 days from receipt of the department's decision.

California**Right of the Reported Person to Review and Challenge Records****Penal Code § 11170**

- Any person may determine if he or she is listed in the Child Abuse Central Index by making a request in writing to the Department of Justice. The request shall be notarized and include the person's name, address, date of birth, and either a social security number or a California identification number.
- Upon receipt of a notarized request, the Department of Justice shall make available to the requesting person information identifying the date of the report and the submitting agency.
- The requesting person is responsible for obtaining the investigative report from the submitting agency pursuant to § 11167.5(11)(b).

When Records Must Be Expunged**Penal Code § 11170**

- Information from an inconclusive or unsubstantiated report shall be deleted from the Child Abuse Central Index after 10 years if no subsequent report concerning the same suspected child abuser is received within that time period.
- If a subsequent report is received within that 10-year period, information from any prior report, as well as any subsequently filed report, shall be maintained on the Child Abuse Central Index for a period of 10 years from the time the most recent report is received by the department.
- If a person is listed in the Child Abuse Central Index only as a victim of child abuse or neglect, and that person is 18 years of age or older, that person may have his or her name removed from the index by making a written request to the Department of Justice. The request shall be notarized and include the person's name, address, social security number, and date of birth.

Colorado**Right of the Reported Person to Review and Challenge Records****Rev. Stat. § 19-3-313.5**

On or before January 1, 2004, the State board shall promulgate rules to establish a process at the State level by which a person who is found to be responsible in a confirmed report of child abuse or neglect filed with the State department pursuant to § 19-3-307 may appeal the finding of a confirmed report of child abuse or neglect to the State department. At a minimum, the rules established shall address the following matters, consistent with Federal law:

- The provision of adequate and timely written notice by the county departments of social services or, for an investigation pursuant to § 19-3-308(4.5), by the agency that contracts with the State, using a form created by the State department, to a person found to be responsible in a confirmed report of child abuse or neglect of the person's right to appeal the finding of a confirmed report of child abuse or neglect to the State department
- The timeline and method for appealing the finding of a confirmed report of child abuse or neglect
- Designation of the entity, that shall be one other than a county department of social services, with the authority to accept and respond to an appeal by a person found to be responsible in a confirmed report of child abuse or neglect at each stage of the appellate process
- The legal standards involved in the appellate process and a designation of the party who bears the burden of establishing that each standard is met
- The confidentiality requirements of the appeals process

When Records Must Be Expunged**Rev. Stat. § 19-3-313.5**

- The rules established by the State board shall, consistent with Federal law, provide for procedures that facilitate the prompt expunction of and prevent the release of any information contained in any records and reports that are accessible to the general public or are used for purposes of employment or background checks in cases determined to be unsubstantiated or false.
- The State department and the county department of social services may maintain information concerning unsubstantiated reports in casework files to assist in future risk and safety assessments.

Connecticut**Right of the Reported Person to Review and Challenge Records****Gen. Stat. § 17a-101k***[Effective October 1, 2005]*

- Upon a finding that an individual is responsible for abuse or neglect of a child, the commissioner shall provide notice of the finding not later than 5 business days after the issuance of the finding to the individual who is alleged to be responsible. The notice shall:
 - » Contain a description of the finding
 - » Inform the individual of the existence of the registry and of the commissioner's intention to place the individual's name on the registry unless the individual exercises his or her right to appeal the finding
 - » Inform the individual of the potential adverse consequences of being listed on the registry, including the potential effect on obtaining or retaining employment, licensure, or engaging in activities involving direct contact with children
 - » Include a written form for the individual to sign and return, indicating whether the individual will invoke the appeal procedures
- Following a request for appeal, the commissioner shall conduct an internal review of the finding, to be completed no later than 30 days after the request for appeal is received by the department.
- The commissioner shall review all information relevant to the finding to determine whether the finding is factually or legally deficient and ought to be reversed. Prior to the review, the commissioner shall provide the individual access to all relevant documents in the possession of the commissioner regarding the finding of responsibility for abuse or neglect of a child.
- The individual may submit any documentation that is relevant to a determination of the issue and may, at the commissioner's discretion, participate in a telephone conference or face-to-face meeting to be conducted for the purpose of gathering additional information that may be relevant to determining whether the finding is factually or legally deficient.
- If the commissioner, as a result of the prehearing review, determines that the finding of abuse or neglect is factually or legally deficient, the commissioner shall reverse the finding and send notice to the individual within 5 days.
- If the finding is upheld, the individual shall be notified of the right to request a hearing. The individual may request a hearing no later than 30 days after receipt of the notice.
- At the hearing, the individual may be represented by legal counsel. The burden of proof shall be on the commissioner to prove that the finding is supported by a fair preponderance of the evidence.
- Not later than 30 days after the hearing, the hearing officer shall issue a written decision to either reverse or uphold.

When Records Must Be Expunged**Gen. Stat. § 17a-101k***[Effective October 1, 2005]*

- Records containing unsubstantiated findings shall remain sealed, except that such records shall be made available to department employees in the proper discharge of their duties.
- Records containing unsubstantiated findings shall be expunged 5 years from the completion date of the investigation if no further report is made about the individual.
- If the department receives more than one report on an individual and each report is unsubstantiated, all reports and information pertaining to the individual shall be expunged 5 years from the completion date of the most recent investigation.

Delaware**Right of the Reported Person to Review and Challenge Records****Ann. Code Tit. 16, § 929**

- A person who has been entered on the Child Protection Registry at Child Protection Level II or Level III, and who has successfully completed a division-recommended or family court-ordered case plan, may file a petition for removal in the family court prior to the expiration of the time designated for the level. Only a person who has successfully completed that person's own case plan is eligible to petition for an early removal.
- A petition for removal from the Registry must be filed in the family court in the county in which the substantiation occurred. A copy of the petition must be served on the division. The division may file an objection or answer to the petition within 30 days after being served. In every case, the division shall inform the court whether or not the person applying for removal has been substantiated for abuse or neglect while on the Child Protection Registry. The family court may, in its discretion, dispose of a petition for removal without a hearing.

When Records Must Be Expunged**Ann. Code Tit. 16, § 929**

- A person who has been entered on the Child Protection Registry at Child Protection Level II or Level III will be automatically removed from the Registry, provided that the person has not been substantiated for an incident of abuse or neglect while on the Registry.
- Removal from the Child Protection Registry means only that the person's name has been removed from the Registry and may no longer be reported to employers pursuant to § 8563 of Title 11.
- Notwithstanding removal from the Registry, the person's name and other case information remains in the division's internal information system as substantiated for all other purposes, including, but not limited to, the division's use of the information for historical, treatment, and investigative purposes, childcare licensing decisions, foster and adoptive parent decisions, reporting pursuant to § 309 of Title 31, reporting to law enforcement authorities, or any other purpose set forth in § 906(b) of this title.

District of Columbia**Right of the Reported Person to Review and Challenge Records****Ann. Code §§ 4-1302.05; 4-1302.06**

- The staff that maintains the Child Protection Register shall, within 7 days from the date that a report is entered in the Register, give notice to each person identified in the report that the report identifies him or her as responsible for the alleged abuse or neglect of the child who is the subject of the report.
- This notice shall include the following information:
 - » The date that the report identifying the person was entered in the Child Protection Register
 - » The right of the person to review the entire report, except information that identifies other persons mentioned in the report
 - » The administrative procedures through which the person may seek to correct information that he or she alleges is incorrect or to establish that the report is unfounded
- The Mayor shall establish, by rules adopted pursuant to § 2-501 et seq., procedures to permit a person identified in the Child Protection Register to challenge information that he or she alleges is incorrect or establish that a report is unfounded.

When Records Must Be Expunged**Ann. Code § 4-1302.07**

- Notwithstanding any other provision of law, substantiated reports shall not be expunged from the Child Protection Register.
- The staff that maintains the Child Protection Register shall expunge from each inconclusive report all information that identifies any person in the inconclusive report upon the first occurrence of either:
 - » The 18th birthday of the child who is the subject of the report, if there is no reasonable suspicion or evidence that another child living in the same household or under the care of the same parent, guardian, or custodian has been abused or neglected
 - » The end of the 5th year after the termination of the social rehabilitation services directed toward the abuse and neglect
- The staff that maintains the Child Protection Register shall expunge:
 - » Any unfounded report immediately upon such classification by the agency
 - » Any material successfully challenged as incorrect pursuant to the rules adopted under § 4-1302.06

Florida**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged**Ann. Stat. § 39.202**

The department shall make and keep reports and records of all cases under this chapter relating to child abuse, abandonment, and neglect and shall preserve the records pertaining to a child and family until 7 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy the records.

Georgia**Right of the Reported Person to Review and Challenge Records****Ann. Code § 49-5-184(c)**

- Any person whose name appears in the abuse registry without a hearing having been held to determine whether or not there was sufficient credible evidence of child abuse by such person, or a reasonable basis to justify such inclusion on the registry, is entitled to a hearing for an administrative determination of whether or not expunction of such person's name should be ordered.
- In order to exercise such right, the person must file a written request for a hearing with the DFACS office of any county in which the investigation was conducted that resulted in such person's name being included in the abuse registry.

When Records Must Be Expunged**Ann. Code § 49-5-184(b)**

All identifying information in the abuse registry of cases classified as unconfirmed shall be expunged from the abuse registry within 2 years after the case is so classified.

Guam**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged**Ann. Code tit. 19, § 13208(f)**

If an investigation of a report of suspected child abuse or neglect does not determine, within 1 year of the date of the report of suspected child abuse or neglect, that the report is an indicated report or a substantiated report, the report shall be considered an unsubstantiated report, and all information identifying the subjects of the report shall be expunged from Child Protective Services' suspected files.

Hawaii**Right of the Reported Person to Review and Challenge Records**

Not addressed in statutes reviewed

When Records Must Be Expunged**Rev. Stat. § 350-2(d)**

The department shall promptly expunge the reports [from the central registry of reported child abuse or neglect cases] when:

- The department has found the reports to be unsubstantiated.
- The petition arising from the report has been dismissed by order of the family court after an adjudicatory hearing on the merits pursuant to chapter 587.

Idaho**Right of the Reported Person to Review and Challenge Records****Idaho Code § 16-1629(7)**

The department shall establish appropriate administrative procedures for the processing of complaints of child neglect, abuse, and abandonment.

When Records Must Be Expunged

Not addressed in statutes reviewed

Illinois**Right of the Reported Person to Review and Challenge Records****325 ILCS § 5/7.16**

- Within 60 days after the completion of the Child Protective Service Unit investigation, the subject of a report may request the department to amend the record or remove the record of the report from the register.
- Such request shall be in writing and directed to such person as the department designates in the notification.
- If the department disregards any request to do so or does not act within 10 days, the subject shall have the right to a hearing within the department to determine whether the record of the report should be amended or removed on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this Act.
- There shall be no such right to a hearing on the ground of the report's inaccuracy if there has been a court finding of child abuse or neglect. The report's accuracy shall be conclusively presumed on such finding.
- In the hearing, the burden of proving the accuracy and consistency of the record shall be on the department and the appropriate Child Protective Service Unit.
- The hearing shall be conducted by the Director or his designee, who is hereby authorized and empowered to order the amendment or removal of the record to make it accurate and consistent with this Act.
- The decision shall be made, in writing, at the close of the hearing, or within 45 days thereof, and shall state the reasons upon which it is based.
- Should the department grant the request of the subject of the report either on administrative review or after administrative hearing to amend an indicated report to an unfounded report, the report shall be released and expunged in accordance with the standards set forth in 325 ILCS § 5/7.14.

When Records Must Be Expunged**325 ILCS § 5/7.14**

- All reports in the central register shall be classified in one of three categories: 'indicated,' 'unfounded,' or 'undetermined,' as the case may be.
- All information identifying the subjects of an unfounded report shall be expunged from the register forthwith, except as provided in 325 ILCS § 5/7.7.
- Identifying information on all other records shall be removed from the register no later than 5 years after the report is indicated. However, if another report is received involving the same child, his sibling or offspring, or a child in the care of the persons responsible for the child's welfare, or involving the same alleged offender, the identifying information may be maintained in the register until 5 years after the subsequent case or report is closed.
- Notwithstanding any other provision of this section, identifying information in indicated reports involving serious physical injury to a child, as defined by the department in rules, may be retained longer than 5 years after the report is indicated or after the subsequent case or report is closed, and may not be removed from the register except as provided by the department in rules.
- Identifying information in indicated reports involving sexual penetration, sexual molestation, sexual exploitation, torture, or death of a child shall be retained for a period of not less than 50 years after the report is indicated or after the subsequent case or report is closed.

Indiana**Right of the Reported Person to Review and Challenge Records****Ann. Code § 31-33-17-8**

- This section does not apply to substantiated cases if a court determines that a child is a child in need of services based on a report of child abuse or neglect that names the alleged perpetrator as the individual who committed the alleged child abuse or neglect.
- Not later than 30 days after the department enters a substantiated child abuse or neglect report into the registry, the department shall send notice that the report has been entered to:
 - » The parent, guardian, or custodian of the child who is named in the report as the victim of the child abuse or neglect
 - » The alleged perpetrator, if other than the child's parent, guardian, or custodian, named in the report
- The department shall state the following in a notice to an alleged perpetrator of a substantiated report:
 - » The report has been classified as substantiated.
 - » The alleged perpetrator may request that a substantiated report be amended or expunged at an administrative hearing if the alleged perpetrator does not agree with the classification of the report, unless a court is in the process of making a determination.
- The alleged perpetrator's request for an administrative hearing to contest the classification of a substantiated report must be received by the department not more than 30 days after the alleged perpetrator receives the notice.
- If the alleged perpetrator fails to request an administrative hearing within the specified time, he or she may request an administrative hearing to contest the classification of the report if the alleged perpetrator demonstrates that the failure to request an administrative hearing was due to excusable neglect or fraud.

When Records Must Be Expunged**Ann. Code §§ 31-33-19-8; 31-33-19-9**

- The department shall expunge identifying information in a substantiated report contained within the registry as follows:
 - » Not later than 10 working days after any of the following occurs:
 - A court having jurisdiction over a child in need of services proceeding determines that child abuse or neglect has not occurred.
 - An administrative hearing officer finds that the child abuse or neglect report is unsubstantiated.
 - A court having criminal jurisdiction over a case involving child abuse or neglect in which criminal charges are filed and the court dismisses the charges or enters a not guilty verdict.
 - » Not later than ten 10 working days after the period of informal adjustment ceases
 - » Not later than 6 months after the date that the department enters the report into the registry as the result of a person's failure to successfully participate in a services referral agreement
 - » Not later than 20 years after a court determines that a child is a child in need of services based upon the report
- If the subsections above do not apply, the department shall expunge the report not later than when the child who is named as the victim of child abuse or neglect reaches 24 years of age.
- The department shall immediately amend or expunge from the registry a substantiated report containing an inaccuracy arising from an administrative or a clerical error.

Iowa**Right of the Reported Person to Review and Challenge Records****Ann. Stat. § 235A.19**

- A subject of a child abuse report shall have the right to examine report data and disposition data that refers to the subject.
- Within 6 months of the date of the notice of the results of an assessment, the subject of a child abuse report may file with the department a written statement to the effect that report data and disposition data referring to the subject is in whole or in part erroneous, and may request a correction of that data or of the findings of the assessment report.
- The department shall provide the subject with an opportunity for an evidentiary hearing to correct the data or the findings, unless the department corrects the data or findings as requested. The department may defer the hearing until the conclusion of a pending juvenile or district court case relating to the data or findings.
- The subject of a child abuse report may appeal the decision resulting from a hearing to the district court. Immediately upon appeal, the court shall order the department to file with the court a certified copy of the report data or disposition data.
- Upon the request of the appellant, the record and evidence in such cases shall be closed to all but the court and its officers, and access to the record and evidence shall be prohibited unless otherwise ordered by the court. The clerk shall maintain a separate docket for such actions.
- Whenever the department corrects or eliminates data as requested or as ordered by the court, the department shall advise all persons who have received the incorrect data of that fact. Upon application to the court and service of notice on the department, any subject of a child abuse report may request and obtain a list of all persons who have received report data or disposition data referring to the subject.

When Records Must Be Expunged**Ann. Stat. § 235A.18**

- Report and disposition data shall be sealed 10 years after the initial placement of the data in the registry unless good cause is shown why the data should remain open to authorized access.
- If a subsequent report of an alleged case of child abuse involving the same child or a person named in the data as having abused a child is received by the department within this 10-year period, the data shall be sealed 10 years after receipt of the subsequent report unless good cause is shown why the data should remain open to authorized access.
- Data sealed in accordance with this section shall be expunged 8 years after the date the data was sealed.
- If the report data and the disposition data involve child sexual abuse, the data shall not be expunged for a period of 30 years.
- Child abuse information relating to a particular case of child abuse placed in the central registry that a juvenile or district court determines is unfounded based upon a preponderance of evidence shall be expunged from the central registry.
- For child abuse information in the central registry as of July 1, 1997, the central registry shall perform a review of the information utilizing the requirements for referral of child abuse information to the central registry as founded child abuse under § 232.71D. If the review indicates the information would not be placed in the registry as founded child abuse, the information shall be expunged from the central registry.

Kansas**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged

Not addressed in the statutes reviewed

Kentucky**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged

Not addressed in the statutes reviewed

Louisiana**Right of the Reported Person to Review and Challenge Records****Children's Code art. 616.1**

- When a report alleging abuse or neglect is recorded as justified by the department in the central registry but when no petition is subsequently filed alleging that the child is in need of care, the individual who is the subject of the finding may file a written motion seeking correction of that entry and all related department records in the court exercising juvenile jurisdiction in the parish in which the finding was made.
- If neither the department nor the district attorney files a written objection, the court may enter an order.
- If after a contradictory hearing with the department and the district attorney, the court finds that the report was not justified, and correction of the record is not contrary to the best interest of the child, it may order the department to correct the central registry entry.
- If the central registry entry is ordered to be corrected, the department and any law enforcement offices having any record of the report shall be ordered to correct those records and any other records, notations, or references thereto, and the court shall order the department and other custodians of such records to file a sworn affidavit to the effect that their records have been corrected. The affidavit of the department shall also attest to the correction of the central registry entry.

When Records Must Be Expunged**Children's Code art. 616**

When, after an investigation, the determination is made that the report does not appear to be justified or is false, all files, records, and pertinent information regarding the report and investigation shall be destroyed following the 3-year period required by Federal law for audit purposes.

Maine

Right of the Reported Person to Review and Challenge Records

Not addressed in the statutes reviewed

When Records Must Be Expunged

Rev. Stat. Tit. 22, § 4008(5)

The department shall retain unsubstantiated child protective services case records for no more than 18 months following a finding of unsubstantiation and then expunge unsubstantiated case records from all departmental files or archives unless a new referral has been received within the 18-month retention period.

Maryland**Right of the Reported Person to Review and Challenge Records****Family Law § 5-706.1**

- Within 30 days after the completion of an investigation in which there has been a finding of indicated or unsubstantiated abuse or neglect, the local department shall notify in writing the individual alleged to have abused or neglected a child:
 - » Of the finding
 - » Of the opportunity to appeal the finding
 - » If the individual has been found responsible for indicated abuse or neglect, that the individual may be identified in a central registry as responsible for abuse or neglect
- In the case of a finding of indicated abuse or neglect, an individual may request a contested case hearing to appeal the finding by responding to the notice of the local department in writing within 60 days.
- Unless the individual and the department agree on another location, a contested case hearing shall be held in the jurisdiction in which the individual alleged to have abused or neglected a child resides.
- If a criminal proceeding is pending on charges arising out of the alleged abuse or neglect, the Office of Administrative Hearings shall stay the hearing until a final disposition is made.
- If after final disposition of the criminal charge, the individual requesting the hearing is found guilty of any criminal charge arising out of the alleged abuse or neglect, the Office of Administrative Hearings shall dismiss the administrative appeal.
- If a CINA case is pending concerning a child who has been allegedly abused or neglected by the appellant or a child in the care, custody, or household of the appellant, the Office of Administrative Hearings shall stay the hearing until the CINA case is concluded.
- After the conclusion of the CINA case, the Office of Administrative Hearings shall vacate the stay and schedule further proceedings in accordance with this section.
- In the case of a finding of unsubstantiated abuse or neglect, an individual may request a conference with a supervisor in the local department by responding to the notice of the local department in writing within 60 days.
- In response to a timely request for a conference, a local department supervisor shall schedule a conference, to occur within 30 days after the supervisor receives the request, to allow the individual an opportunity to review the redacted record, and request corrections or to supplement the record.
- Within 10 days after the conference, the local department shall send to the individual:
 - » A written summary of the conference and of any modifications to be made in the record
 - » Notice of the individual's right to request a contested case hearing
- The individual may request a contested case hearing to appeal the outcome of the conference by responding to the summary in writing within 60 days.
- If the individual does not receive the written summary and required notice within 20 days, the individual may request a contested case hearing.
- In the case of an unexpunged finding of indicated or unsubstantiated abuse or neglect made prior to June 1, 1999, the local department shall provide the individual with an opportunity to appeal the finding in accordance with this section if the individual:
 - » Requests such an appeal
 - » Has not been offered an opportunity to request a contested case hearing
 - » Has not been found guilty of any criminal charge arising out of the alleged abuse or neglect

When Records Must Be Expunged**Family Law § 5-707(b)**

The local department shall expunge a report of suspected abuse or neglect and all assessments and investigative findings:

- Within 5 years after the date of referral if the investigation concludes that the report is unsubstantiated, and no further reports of abuse or neglect are received during the 5 years
- Within 120 days after the date of referral if the report is ruled out, and no further reports of abuse or neglect are received during the 120 days

Massachusetts**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged**Ann. Laws Ch. 119, § 51F**

- The name and all other identifying characteristics relating to any child that is contained in the central registry, or to his parents or guardian, shall be removed 1 year after the department determines, after an investigation, that the allegation of serious physical or emotional injury resulting from abuse or neglect cannot be substantiated.
- If the allegations are substantiated, identifying information shall be removed when the child reaches the age of 18 years, or 1 year after the date of termination of services to the child or his family, whichever date occurs last.

Michigan**Right of the Reported Person to Review and Challenge Records****Comp. Laws § 722.627**

- If the department classifies a report of suspected child abuse or neglect as a central registry case, the department shall maintain a record in the central registry and, within 30 days after the classification, shall notify in writing each person who is named in the record as a perpetrator of the child abuse or neglect.
- The notice shall set forth the person's right to request expunction of the record and the right to a hearing if the department refuses the request.
- A person who is the subject of a report or record may request the department to amend an inaccurate report or record from the central registry and local office file. A person who is the subject of a report or record may request the department to expunge from the central registry a report or record in which no relevant and accurate evidence of abuse or neglect is found to exist.
- A report or record filed in a local office file is not subject to expunction except as the department authorizes, if it is considered in the best interest of the child.
- If the department refuses a request for amendment or expunction, or fails to act within 30 days after receiving the request, the department shall hold a hearing to determine by a preponderance of the evidence whether the report or record in whole or in part should be amended or expunged from the central registry on the grounds that the report or record is not relevant or accurate evidence of abuse or neglect.
- The hearing shall be held before a hearing officer appointed by the department and shall be conducted as prescribed by the administrative procedures act of 1969.

When Records Must Be Expunged**Comp. Laws § 722.627**

- If the investigation of a report conducted under this act fails to disclose evidence of abuse or neglect, the information identifying the subject of the report shall be expunged from the central registry.
- If evidence of abuse or neglect exists, the department shall maintain the information in the central registry until the department receives reliable information that the perpetrator of the abuse or neglect is dead.

Minnesota**Right of the Reported Person to Review and Challenge Records****Ann. Stat. § 626.556, subd. 10f & 10i**

- The investigating agency shall notify the parent or guardian of the child who is the subject of the report, and any person or facility determined to have maltreated a child, of their appeal or review rights under this section or section 256.022.
- Administrative reconsideration is not applicable in family assessments since no determination concerning maltreatment is made.
- For an investigation in which an individual or facility has been determined to have maltreated a child, an interested person acting on behalf of the child who contests the investigating agency's final determination regarding maltreatment may request the investigating agency to reconsider its final determination regarding maltreatment.
- The request for reconsideration must be submitted in writing to the investigating agency within 15 calendar days after receipt of notice of the final determination or, if the request is made by an interested person who is not entitled to notice, within 15 days after receipt of the notice by the parent or guardian of the child.
- Effective January 1, 2002, an individual who was determined to have maltreated a child and who was disqualified [for employment or licensure] on the basis of serious or recurring maltreatment, may request reconsideration of the maltreatment determination and the disqualification. The request for reconsideration of the maltreatment determination and the disqualification must be submitted within 30 calendar days of the individual's receipt of the notice of disqualification.
- If the investigating agency denies the request or fails to act upon the request within 15 working days after receiving the request for reconsideration, the person or facility entitled to a fair hearing may submit to the commissioner of human services or the commissioner of education a written request for a hearing.
- If, as a result of a reconsideration or review, the investigating agency changes the final determination of maltreatment, that agency shall notify the parties specified in subdivisions 10b, 10d, and 10f.
- If an individual or facility contests the investigating agency's final determination regarding maltreatment by requesting a fair hearing under § 256.045, the commissioner of human services shall assure that the hearing is conducted and a decision is reached within 90 days of receipt of the request for a hearing. The time for action on the decision may be extended for as many days as the hearing is postponed or the record is held open for the benefit of either party.

When Records Must Be Expunged**Ann. Stat. § 626.556, subd.11c**

- For family assessment cases and cases where an investigation results in no determination of maltreatment or the need for child protective services, the assessment or investigation records must be maintained for a period of 4 years, then destroyed. These records may not be used for employment, background checks, or purposes other than to assist in future risk and safety assessments.
- All records relating to reports that upon investigation indicate either maltreatment or a need for child protective services shall be maintained for at least 10 years after the date of the final entry in the case record.
- All records regarding a report of maltreatment, including any notification of intent to interview that was received by a school, shall be destroyed by the school when ordered to do so by the agency conducting the assessment or investigation. The agency shall order the destruction of the notification when other records relating to the report under investigation or assessment are destroyed.
- Private or confidential data released to a court services agency must be destroyed by the court services agency when ordered to do so by the local welfare agency that released the data. The local welfare agency or agency responsible for assessing or investigating the report shall order destruction of the data when other records relating to the assessment or investigation are destroyed.

Mississippi**Right of the Reported Person to Review and Challenge Records****Ann. Code § 43-21-257**

The Department of Human Services shall adopt such rules and administrative procedures, especially those procedures to afford due process to individuals who have been named as substantiated perpetrators before the release of their name from the central registry, as may be necessary to carry out this subsection.

When Records Must Be Expunged**Ann. Code § 43-21-263**

The youth court may order the sealing of records involving children:

- If the child who was the subject of the case has attained 20 years of age
- If the youth court dismisses the case
- If the youth court sets aside an adjudication in the case

Missouri**Right of the Reported Person to Review and Challenge Records****Ann. Stat. § 210.152**

- Within 90 days after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:
 - » That the division has determined by a probable cause finding (prior to August 28, 2004), or by a preponderance of the evidence (after August 28, 2004), that abuse or neglect exists and that the division shall retain all identifying information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in § 210.150; that the alleged perpetrator has 60 days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board

- » That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists
- Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division may seek an administrative review by the child abuse and neglect review board. Such request for review shall be made within 60 days of notification of the division's decision. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within 60 days from the court's final disposition or dismissal of the charges.
- In any action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys, and those persons providing testimony on behalf of the parties.
- If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek *de novo* judicial review in the circuit court. The request for a judicial review shall be made within 60 days of notification of the decision of the child abuse and neglect review board. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter.
- In such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian, or legal representative of the child that a review has been requested.

When Records Must Be Expunged**Ann. Stat. § 210.152**

- For investigation reports where there is insufficient evidence of abuse or neglect, and the division determines that the allegation was made maliciously, for purposes of harassment, or in retaliation for the filing of a report, identifying information shall be expunged within 45 days from the conclusion of the investigation.
- For investigation reports initiated by a mandated reporter, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for 5 years from the conclusion of the investigation.
- For all other reports where there is insufficient evidence, identifying information shall be retained for 2 years.
- At the end of such time, the identifying information shall be removed from the records of the division and destroyed.
- For reports in which the division is unable to locate the child alleged to have been abused or neglected, identifying information shall be retained for 10 years from the date of the report and then shall be removed from the records of the division.

Montana**Right of the Reported Person to Review and Challenge Records****Ann. Code § 41-3-202**

A person who is the subject of an unsubstantiated report that was made prior to October 1, 2003, and after which a period of 3 years has elapsed without there being submitted a subsequent substantiated report or an order issued based on the circumstances surrounding the initial allegations, may request that the department destroy all of the records concerning the unsubstantiated report.

When Records Must Be Expunged**Ann. Code § 41-3-202**

- If from the investigation it is determined that the child has not suffered abuse or neglect and the initial report is determined to be unfounded, the department and the social worker, county attorney, or peace officer who conducted the investigation shall destroy all of their records concerning the report and the investigation. The destruction must be completed within 30 days of the determination that the child has not suffered abuse or neglect.
- If the report is unsubstantiated, the department and the social worker who conducted the investigation shall destroy all of the records, except for medical records, concerning the unsubstantiated report and the investigation within 30 days after the end of the 3-year period starting from the date the report was determined to be unsubstantiated, unless:
 - » There had been a previous or there is a subsequent substantiated report concerning the same person.
 - » An order has been issued based on the circumstances surrounding the initial allegations.

Nebraska**Right of the Reported Person to Review and Challenge Records****Rev. Stat. § 28-723**

- At any time subsequent to the completion of the department's investigation, the subject of the report of child abuse or neglect may request the department to amend, expunge identifying information from, or remove the record of the report from the central register of child protection cases.
- If the department refuses to do so or does not act within 30 days, the subject of the report of child abuse or neglect shall have the right to a fair hearing within the department to determine whether the record of the report should be amended, expunged, or removed on the grounds that it is inaccurate or that it is being maintained in a manner inconsistent with the child protection act.
- Such fair hearing shall be held within a reasonable time after the subject's request and at a reasonable place and hour. In such hearings, the burden of proving the accuracy and consistency of the record shall be on the department.
- A juvenile court finding of child abuse or child neglect shall be presumptive evidence that the report was not unfounded.
- The hearing shall be conducted by the head of the department who is authorized and empowered to order the amendment, expunction, or removal of the record to make it accurate or consistent with the requirements of the act.
- The decision shall be made in writing, at the close of the hearing, or within 30 days thereof, and shall state the reasons upon which it is based.
- Decisions of the department may be appealed under the provisions of the Administrative Procedure Act.

When Records Must Be Expunged**Rev. Stat. § 28-721**

At any time, the department may amend, expunge, or remove from the central register of child protection cases any record upon good cause shown and upon notice to the subject of the report of child abuse or neglect and to the division.

Nevada**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged**Rev. Stat. § 432.120**

The information contained in the central registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency that provides child welfare services must be deleted from the central registry not later than 10 years after the child who is the subject of the report reaches the age of 18 years.

New Hampshire**Right of the Reported Person to Review and Challenge Records****Rev. Stat. §§ 169-C:34; 169-C:35**

- Prior to an individual's name being placed on the central registry, due process is afforded. Only after due process (appeal of the decision) is waived, or due process confirms the finding, is the name of the individual placed on the central registry. [See Rev. Stat. § 169-C:34, Notes to Decisions number 3: Duties of division upon finding of probable cause.]
- Due process requires being able to show by a preponderance of evidence that a founded case of abuse or neglect has occurred. [See Rev. Stat. § 169-C:35, Notes to Decisions: Due process.]
- Individuals whose names are on the central registry have the right to have their name expunged from the registry if they can demonstrate that they no longer pose a threat to children. This is a process that occurs separately from the initial assessment and "founded" determination process.
- Any individual whose name is listed in the founded reports maintained on the central registry may petition the district court to have his or her name expunged from the registry.
- When a petition to expunge is filed, the district court shall require the department to report to the court concerning any additional founded abuse and neglect reports on the petitioner and to submit the petitioner's name, birth date, and address to the State police to obtain information about criminal convictions.
- Upon the receipt of the department's report, the court may act on the petition without further hearing or may schedule the matter for hearing at the request of either party. If the court determines that the petitioner does not pose a present threat to the safety of children, the court shall grant the petition and order the department to remove the individual's name from the central registry. Otherwise, the petition shall be dismissed.
- When an individual's name is added to the central registry, the department shall notify individuals of their right to petition to have their name expunged from the central registry. No petition to expunge shall be brought within 1 year from the date that the petitioner's name was initially entered on the central registry. If the petition to expunge is denied, no further petition shall be brought more frequently than every 3 years thereafter.

When Records Must Be Expunged**Rev. Stat. § 169-C:35-a**

- The department shall retain a screened-out report for 1 year from the date that the report was screened-out, then the department shall delete or destroy all electronic and paper records of the report.
- The department shall retain an unfounded report for 3 years from the date that the department determined the case to be unfounded, then shall delete or destroy all electronic and paper records of the report.
- The department shall retain a founded report for 7 years from the date that the subject has exhausted or failed to exercise his or her due process right to appeal the department's determination to found the report, after which time, the department shall delete or destroy all electronic and paper records of the report.
- The provisions above, relating to the destruction of the records of founded reports, shall not apply to cases that remain open with the department in excess of 7 years or to adoption records. Upon the closure of a case that has remained open with the department in excess of 7 years, the department shall delete or destroy all electronic and paper records of the report.

New Jersey**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged**Ann. Stat. § 9:6-8.40a**

The Division of Youth and Family Services in the Department of Human Services shall expunge from its records all information relating to a report, complaint, or allegation of an incident of child abuse or neglect when an investigation has determined that the allegation was unfounded.

New Mexico**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged

Not addressed in the statutes reviewed

New York**Right of the Reported Person to Review and Challenge Records****Soc. Serv. Law § 422**

- Notwithstanding any other provision of law, the office of children and family services may, in its discretion, grant a request to expunge an unfounded report where:
 - » The source of the report was convicted of knowingly making a false report in regard to such report.
 - » The subject of the report presents clear and convincing evidence that affirmatively refutes the allegation of abuse or maltreatment.
- The absence of credible evidence supporting the allegation of abuse or maltreatment shall not be the sole basis to expunge the report.
- Nothing in this paragraph shall require the office of children and family services to hold an administrative hearing in deciding whether to expunge a report.
- Such office shall make its determination upon reviewing the written evidence submitted by the subject of the report and any records or information obtained from the State or local agency that investigated the allegations of abuse or maltreatment.
- In any case and at any time, the commissioner may amend any record upon good cause shown and notice to the subjects of the report and other persons named in the report.

When Records Must Be Expunged**Soc. Serv. Law § 422**

- The record of the report to the central register shall be expunged 10 years after the 18th birthday of the youngest child named in the report.
- In the case of a child in residential care, the record of the report to the central register shall be expunged 10 years after the reported child's 18th birthday.

North Carolina**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged

Not addressed in the statutes reviewed

North Dakota**Right of the Reported Person to Review and Challenge Records****Cent. Code § 50-25.1-05.4**

The department shall adopt rules to resolve complaints and conduct appeal hearings requested by the subject of a report of suspected child abuse, neglect, or death resulting from abuse or neglect who is aggrieved by the conduct or result of an assessment.

When Records Must Be Expunged

Not addressed in the statutes reviewed

Northern Mariana Islands

Right of the Reported Person to Review and Challenge Records

Not addressed in the statutes reviewed

When Records Must Be Expunged

Not addressed in the statutes reviewed

Ohio

Right of the Reported Person to Review and Challenge Records

Not addressed in the statutes reviewed

When Records Must Be Expunged

Not addressed in the statutes reviewed

Oklahoma

Right of the Reported Person to Review and Challenge Records

Not addressed in the statutes reviewed

When Records Must Be Expunged

Ann. Stat. Tit. 10, § 7111

Records obtained by the Department shall be maintained by the Department until otherwise provided by law.

Oregon

Right of the Reported Person to Review and Challenge Records

Not addressed in the statutes reviewed

When Records Must Be Expunged

Not addressed in the statutes reviewed

Pennsylvania**Right of the Reported Person to Review and Challenge Records****23 Cons. Stat. § 6341**

- Any person named as a perpetrator, and any school employee named in an indicated report of child abuse may, within 45 days of being notified of the status of the report, request the secretary to amend or expunge an indicated report on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with law.
- If the secretary grants the request, the Statewide central register, appropriate county agency, appropriate law enforcement officials, and all subjects shall be so advised of the decision.
- The county agency and any subject have 45 days in which to file an administrative appeal with the secretary. If an administrative appeal is received, the secretary or his designated agent shall schedule a hearing.
- If no administrative appeal is received within the designated time period, the Statewide central register shall comply with the decision of the secretary and advise the county agency to amend or expunge the information in their records so that the records are consistent at both the State and local levels.
- If the secretary refuses the request for a hearing or does not act within a reasonable time, but in no event later than 30 days after receipt of the request, the perpetrator or school employee shall have the right to a hearing before the secretary or a designated agent of the secretary to determine whether the indicated report in the Statewide central register should be amended or expunged on the grounds that it is inaccurate or that it is being maintained in a manner inconsistent with law.
- The perpetrator or school employee shall have 45 days from the date of the letter giving notice of the decision to deny the request in which to request a hearing. The appropriate county agency and appropriate law enforcement officials shall be given notice of the hearing.
- The burden of proof in the hearing shall be on the appropriate county agency. The department shall assist the county agency as necessary.
- Any administrative appeal proceeding shall be automatically stayed upon notice to the department by either of the parties when there is a pending criminal proceeding or a dependency or delinquency proceeding.
- The secretary or designated agent may make any appropriate order respecting the amendment or expunction of records to make them accurate or consistent with the requirements of this chapter.
- Written notice of an expunction of any child abuse record shall be served upon the subject of the record who was responsible for the abuse or injury and the appropriate county agency.

When Records Must Be Expunged**23 Cons. Stat. §§ 6337; 6338**

- When a report of suspected child abuse is determined to be unfounded, the information concerning that report shall be maintained for 1 year, then expunged from the pending complaint file, as soon as possible, but no later than 120 days after the end of the 1-year period.
- If an investigation of a report of suspected child abuse is unable to within 60 days to determine whether the report is founded, indicated, unfounded, or unless within that same 60-day period court action has been initiated and is responsible for the delay, the report shall be considered to be an unfounded report, and all information identifying the subjects of the report shall be expunged no later than 120 days following the expiration of 1 year after the date the report was received by the department.
- All information identifying the subjects of any report of suspected child abuse, and of any report relating to students in public and private schools determined to be an unfounded report, shall be expunged from the pending complaint file.
- All information that identifies the subjects of founded and indicated child abuse reports shall be expunged when the subject child reaches the age of 23 years.

Puerto Rico**Right of the Reported Person to Review and Challenge Records****Ann. Laws Tit. 8, § 442g**

- The subject of the report may, at any time after the investigation has been completed, request that the report in the Register be amended, eliminated, or removed.
- If the Commonwealth Center for the Protection of Minors refuses to do so or fails to take action within 30 days after the request is received, the subject of the report may resort to the Family Relations Part or Minors Affairs Part of the Court of First Instance.
- A term of 30 days is granted to file this motion from the date the written notice of the corresponding action is mailed, or the term for the Commonwealth Center for the Protection of Minors has elapsed, as the case may be.

When Records Must Be Expunged

Not addressed in the statutes reviewed

Rhode Island**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged**Gen. Laws § 40-11-13.1**

All records concerning reports of child abuse and neglect made pursuant to this chapter, including reports made to the department, shall be destroyed 3 years after the date of a final determination by either the family court or the department that the reported child abuse or neglect did not in fact occur.

South Carolina**Right of the Reported Person to Review and Challenge Records****Ann. Code § 20-7-655**

- The statute provides for a child protective services appeals process for reports that have been indicated, entered in the Central Registry, and are not being brought before the family court for disposition. This process is available only to the person determined to have abused or neglected the child.
- The State director shall appoint a hearing officer to conduct a contested case hearing for each case decision appealed. The hearing officer shall prepare recommended findings of fact for review by the State director who shall render the final decision. The purpose of the hearing is to determine whether there is a preponderance of evidence that the appellant was responsible for abuse or neglect of the child.
- If the family court has determined that the person is responsible for abuse or neglect of the child, an administrative appeal is not available. If the family court reaches such a determination after the initiation of the appeal, the department shall terminate the appeal upon receipt of an order that disposes of the issue. If a proceeding is pending in the family court, the department shall stay the appeal pending the court's decision.
- If the department determines that a report is indicated, the department shall provide notice of the case decision to the person determined to have abused or neglected the child. The notice must inform the person of the right to appeal the case decision and that, if he or she intends to appeal the decision, he or she must notify the department of his or her intent in writing within 30 days of receipt of the notice.
- The notice also must advise the person that the appeal process is for the purpose of determining whether a preponderance of evidence supports the case decision that the person abused or neglected the child. If the person does not notify the department of his or her intent to appeal in writing within 30 days of receipt of the notice, the right to appeal is waived and the case decision becomes final.
- Within 14 days after receipt of a notice of intent to appeal, an appropriate official of the department must conduct an interim review of case documentation and determination. If the official conducting the interim review decides that the determination against the appellant is not supported by a preponderance of evidence, this decision must be reflected in the department's case record and database. If the person's name was in the Central Registry as a result of a determination and the interim review results in a reversal of the decision that supports that entry, the person's name must be removed from the Central Registry.
- After a contested case hearing, if the State director decides that the determination against the appellant is not supported by a preponderance of evidence, this decision must be reflected in the department's case record and database. If the person's name was in the Central Registry as a result of a determination and the State director reverses the decision that supports that entry, the person's name must be removed from the Central Registry. If the State director affirms the determination against the appellant, the appellant has the right to seek judicial review in the family court of the jurisdiction in which the case originated.
- An appellant seeking judicial review shall file a petition in the family court within 30 days after the final decision of the department. The court may enter judgment upon the pleadings and a certified transcript of the record that must include the evidence upon which the findings and decisions appealed are based. The judgment must include a determination of whether the decision of the department that a preponderance of evidence shows that the appellant abused or neglected the child should be affirmed or reversed. The appellant is not entitled to a trial *de novo* in the family court.

When Records Must Be Expunged**Ann. Code § 20-7-680**

The names, addresses, birth dates, identifying characteristics, and other information unnecessary for auditing and statistical purposes of persons named in department records of indicated cases other than the Central Registry of Child Abuse and Neglect must be destroyed 7 years from the date services are terminated.

South Dakota**Right of the Reported Person to Review and Challenge Records****Ann. Laws § 26-8A-11**

- Within 30 days after notice of a substantiated investigation by the Department of Social Services, a subject of a report of abuse or neglect may request the department to amend, expunge identifying information from, or remove the record of the report from the register. The request shall be in writing and directed to the person designated by the department in the notice.
- If the department refuses or does not act within 30 days after receipt of the written request, the subject may request an administrative hearing, to be held within 30 days, to determine whether the record of the report should be amended, expunged, or removed on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with law.
- If there has been a court finding of child abuse or neglect, the report's accuracy is conclusively presumed and the subject has no right to an administrative hearing on the ground of inaccuracy.
- The appropriate local office of the department shall be given notice of the hearing. In the hearing, the burden of proving the accuracy and consistency of the record is on the department.
- The hearing examiner may order the amendment, expunction, or removal of the record to make it accurate and consistent with this chapter.
- Under no circumstances may the hearing examiner order or the department carry out any amendment, expunction, or removal of any portion of the record that proves, affirms, corroborates, or supports the innocence of the subject of the report without the express written authority of the subject.
- The decision shall be made in writing within 90 days after the date of receipt of the request for a hearing and shall state the reasons upon which it is based.
- Decisions of the department under this section are administrative decisions subject to judicial review.

When Records Must Be Expunged**Ann. Laws § 26-8A-11**

In any case where there has been no substantiated report of child abuse and neglect, the department may not maintain a record or other information of unsubstantiated child abuse and neglect for longer than 3 years if there has been no further report within that 3-year period.

Tennessee**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged

Not addressed in the statutes reviewed

Texas**Right of the Reported Person to Review and Challenge Records**
Family Code § 261.315

- At the conclusion of an investigation in which the department determines that the person alleged to have abused or neglected a child did not commit abuse or neglect, the department shall notify the person of the person's right to request that the department remove information about the person's alleged role in the abuse or neglect report from the department's records.
- On request by a person whom the department has determined did not commit abuse or neglect, the department shall remove information from the department's records concerning the person's alleged role in the abuse or neglect report.
- The board shall adopt rules necessary to administer this section.

When Records Must Be Expunged

Not addressed in the statutes reviewed

Utah**Right of the Reported Person to Review and Challenge Records**
Ann. Code § 62A-4a-116.5

- The division shall send a notice of agency action to a person about whom the division has made a supported finding. The notice shall state that:
 - » The division has conducted an investigation regarding alleged child abuse, neglect, or dependency
 - » The division has made a supported finding of abuse, neglect, or dependency
 - » Facts gathered by the division support the supported finding
 - » The person has the right to request a copy of the report and an opportunity to challenge the supported finding
 - » Failure to request an opportunity to challenge the supported finding within 30 days of receiving the notice will result in an unappealable supported finding of child abuse, neglect, or dependency unless the person can show good cause why compliance within the 30-day requirement was virtually impossible or unreasonably burdensome
- A person may make a request to challenge a supported finding within 30 days of a notice being received.
- Upon receipt of a request, the Office of Administrative Hearings shall hold an adjudicative proceeding pursuant to the Administrative Procedures Act.
- In an adjudicative proceeding, the division shall have the burden of proving, by a preponderance of the evidence, that there is a reasonable basis to conclude that child abuse, neglect, or dependency occurred and that the alleged perpetrator was substantially responsible for the abuse or neglect that occurred.
- Any party shall have the right of judicial review of final agency action.
- Except as otherwise provided in this chapter, an alleged perpetrator who, after receiving notice, fails to challenge a supported finding, may not further challenge the finding and shall have no right to agency review, an adjudicative hearing, or judicial review of the finding.
- An alleged perpetrator may not make a request to challenge a supported finding if a court of competent jurisdiction entered a finding, in a proceeding in which the alleged perpetrator was a party, that the alleged perpetrator is substantially responsible for the abuse, neglect, or dependency that was also the subject of the supported finding.
- An adjudicative proceeding may be stayed during the time a judicial action on the same matter is pending.

When Records Must Be Expunged**Ann. Code § 62A-4a-116.4**

Unless the executive director determines that there is good cause for keeping a report of abuse or neglect in the Management Information System, based on standards established by rule, the division shall delete any reference to:

- A report that is without merit, if no subsequent report involving the same alleged perpetrator has occurred within 1 year
- A report that has been determined by a court of competent jurisdiction to be unsubstantiated or without merit, if no subsequent report involving the same alleged perpetrator has occurred within 5 years

Vermont**Right of the Reported Person to Review and Challenge Records****Ann. Stat. Tit. 33, § 4916**

- A person may, at any time, apply to the human services board for relief if he or she has reasonable cause to believe that contents of the registry are being misused.
- A person may, at any time, apply to the human services board for an order expunging from the registry a record concerning him or her on the grounds that it is unsubstantiated or not otherwise expunged in accordance with this section.
- The board shall hold a fair hearing under § 3091 of Title 3 at which the burden shall be on the commissioner to establish that the record shall not be expunged.

When Records Must Be Expunged**Ann. Stat. Tit. 33, § 4916**

- If the commissioner determines after investigation that the reported facts are unsubstantiated, after notice to the person complained about, the records shall be destroyed unless the person complained about requests within 1 year that it not be destroyed.
- If no court proceeding is brought within 1 year of the date of the notice to the person complained about, the records relating to the unsubstantiated report shall be destroyed.
- All registry records relating to an individual child shall be destroyed when the child reaches the age of majority.
- All registry records relating to a family or siblings within a family shall be destroyed when the youngest sibling reaches the age of majority.

Virgin Islands**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged

Not addressed in the statutes reviewed

Virginia**Right of the Reported Person to Review and Challenge Records****Ann. Code § 63.2-1526**

- A person who is suspected of or is found to have committed abuse or neglect may, within 30 days of being notified of that determination, request the local department making the determination to amend the determination and the local department's related records.
- Upon written request, the local department shall provide the appellant all information used in making its determination.
- The local department shall hold an informal conference where such person, who may be represented by counsel, shall be entitled to informally present testimony of witnesses, documents, factual data, arguments, or other submissions of proof to the local department.
- If the local department refuses the request for amendment or fails to act within 45 days after receiving the request, the person may, within 30 days thereafter, petition the Commissioner, who shall grant a hearing to determine whether it appears, by a preponderance of the evidence, that the determination or record contains information that is irrelevant or inaccurate regarding the commission of abuse or neglect by the person who is the subject of the determination.
- The hearing officer shall have the authority to issue subpoenas for the production of documents and the appearance of witnesses, and to determine the number of depositions that will be allowed.
- The person who is the subject of the report has the right to submit oral or written testimony or documents, and to be informed of the procedure by which information will be made available or withheld.
- The alleged child victims of the person and their siblings shall not be subpoenaed, deposed, or required to testify.
- Such hearing officers are empowered to order the amendment of such determination or records as required to make them accurate and consistent with the requirements of law or regulation.
- If, after hearing the facts of the case, the hearing officer determines that the person who is the subject of the report has presented information that was not available to the local department at the time of the local conference and that if available may have resulted in a different determination by the local department, he or she may remand the case to the local department for reconsideration.
- The local department shall have 14 days in which to reconsider the case. If, at the expiration of 14 days, the local department fails to act or fails to amend the record to the satisfaction of the appellant, the case shall be returned to the hearing officer for a determination.
- If aggrieved by the decision of the hearing officer, such person may obtain further review of the decision in accordance with Article 5 of the Administrative Process Act.
- Whenever an appeal of the local department's finding is made and a criminal charge is also filed against the appellant for the same conduct involving the same victim as investigated by the local department, the appeal process shall automatically be stayed until the criminal prosecution in circuit court is completed.
- During such stay, the appellant's right of access to the records of the local department regarding the matter being appealed shall also be stayed.
- Once the criminal prosecution in circuit court has been completed, the local department shall advise the appellant in writing of his or her right to resume his or her appeal within the timeframes provided by law and regulation.

When Records Must Be Expunged**Ann. Code § 63.2-1514**

- The record of unfounded investigations and complaints and reports determined to be not valid shall be purged 1 year after the date of the complaint or report if there are no subsequent complaints or reports regarding the same child or the person who is the subject of the complaint or report in that 1 year.
- The record of family assessments shall be purged 3 years after the date of the complaint or report if there are no subsequent complaints or reports regarding the same child or the person who is the subject of the report in that 3-year period.
- The child-protective services records regarding the petitioner that result from such complaint or report shall be purged immediately by any custodian of such records upon presentation to the custodian of a certified copy of a court order that there has been a civil action that determined that the complaint or report was made in bad faith or with malicious intent.
- After purging the records, the custodian shall notify the petitioner in writing that the records have been purged.

Washington**Right of the Reported Person to Review and Challenge Records****Rev. Code § 26.44.125**

- A person who is named as an alleged perpetrator after October 1, 1998, in a founded report of child abuse or neglect has the right to seek review and amendment of the finding.
- Within 20 calendar days after receiving written notice from the department that a person is named as an alleged perpetrator in a founded report of child abuse or neglect, he or she may request that the department review the finding. The request must be made in writing.
- If a request for review is not made, the alleged perpetrator may not further challenge the finding and shall have no right to agency review, adjudicative hearing, or judicial review of the finding.
- Upon receipt of a written request for review, the department shall review and, if appropriate, may amend the finding. The review must be conducted in accordance with procedures the department establishes by rule.
- Upon completion of the review, the department shall notify the alleged perpetrator in writing of the agency's determination.
- If, following agency review, the report remains founded, the person named as the alleged perpetrator in the report may request an adjudicative hearing to contest the finding.
- The request for an adjudicative proceeding must be filed within 30 calendar days after receiving notice of the agency review determination.
- If a request for an adjudicative proceeding is not made, the alleged perpetrator may not further challenge the finding.
- Reviews and hearings conducted under this section are confidential and shall not be open to the public.

When Records Must Be Expunged**Rev. Code § 26.44.031**

- The department shall not maintain information related to unfounded referrals in files or reports of child abuse or neglect for longer than 6 years.
- At the end of 6 years from receipt of the unfounded report, the information shall be purged unless an additional report has been received in the intervening period.

West Virginia**Right of the Reported Person to Review and Challenge Records**

Not addressed in the statutes reviewed

When Records Must Be Expunged**Ann. Code § 49-6A-5**

Unless there are pending proceedings, all reports shall be destroyed 30 years following their preparation.

Wisconsin**Right of the Reported Person to Review and Challenge Records****Ann. Stat. § 48.981**

- If the department or a licensed child welfare agency under contract with the department determines that a specific person has abused or neglected a child, the department or agency, within 15 days after the date of the determination, shall notify the person in writing of the determination, the person's right to appeal the determination, and the procedure by which the person may appeal the determination.
- The person may appeal the determination in accordance with the procedures established by the department.
- Those procedures shall include a procedure permitting an appeal to be held in abeyance pending the outcome of any criminal proceedings based on the alleged abuse or neglect or the outcome of any investigation that may lead to the filing of a criminal complaint.

When Records Must Be Expunged

Not addressed in the statutes reviewed

Wyoming**Right of the Reported Person to Review and Challenge Records****Ann. Stat. § 14-3-213**

- Any person named as a perpetrator of child abuse or neglect in any report maintained in the central registry that is classified as a substantiated report shall have the right to have included in the report his or her statement concerning the incident giving rise to the report.
- Any person seeking to include a statement pursuant to this subsection shall provide the State agency with the statement.
- The State agency shall provide notice to any person identified as a perpetrator of his or her right to submit his or her statement in any report maintained in the central registry.

When Records Must Be Expunged**Ann. Stat. § 14-3-213**

- Upon good cause shown and upon notice to the subject of an 'under investigation' or 'substantiated' report, the State agency may list, amend, expunge, or remove any record from the central registry in accordance with rules and regulations adopted by the State agency.
 - Within 6 months all reports classified as 'under investigation' shall be reclassified as 'substantiated' or expunged from the central registry, unless the State agency is notified of an open criminal investigation or criminal prosecution.
 - Unsubstantiated reports shall not be contained within the central registry.
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